

REMARKS

Claims 4-9, 21-23, 29-33, and 35-37 were pending in the application. By this paper, claims 36 and 37 have been amended. Claims 21-23 remain withdrawn and no claims have been canceled herein. Thus, claims 4-9, 21-23, 29-33, and 35-37 remain pending. Reconsideration and withdrawal of the rejections are hereby respectfully solicited in view of the foregoing amendments and the following remarks.

Claim Rejections - 35 U.S.C. §102(e)

Claims 4-9, 29-33, and 35-37 have been rejected under §102(e) as anticipated by Reithmeier, U.S. Patent No. 6,273,509 (Reithmeier). The office action states that Reithmeier discloses a child seat comprising a backrest having a top portion (22) movably connected to and vertically adjustable relative to a bottom portion (14), each portion having a support surface to engage and support a portion of an occupant's body. The office action further states that Reithmeier discloses a flexible latch (70) on one of the top and bottom portions, a plurality of notches (26) located in the other of the top and bottom portions, and a release mechanism (46) to selectively disengage the latch from a notch. Independent claims 36 and 37 have been amended herein and the remaining rejected claims depend from one or the other of these claims.

Amended claim 36 recites in part a backrest having a top portion and a bottom portion with each of the top portion and the bottom portion having a *central* support surface to engage and support a portion of an occupant's body. The central support surfaces of the top and bottom portions are also recited as being *substantially co-planar to form a substantially continuous support surface when the top portion is in a lowermost position*. Amended claim 37 similarly recites in part an adjustable backrest having a top portion and a bottom portion with each portion having a support surface to contact and support a portion of an occupant's back. The support surfaces of the top and bottom portions are also recited to *form a substantially vertically continuous surface when the top portion is in a lowermost position*.

Reithmeier does not disclose or suggest a child seat that has a backrest as recited in claims 36 and 37. In contrast, the Reithmeier backrest (14) has a central continuous or contiguous support surface. A portion of the backrest (14) surface is formed by a front side of a guide portion (20), which is an integral, non-adjustable part of the backrest. A separate head

support (22) is connected to and slidable vertically along the guide portion (20). The head support (22) has two side support portions (28) and a central portion (30) that extends across the rear side of the backrest (14). *The central portion (30) is behind the guide portion*, and thus the backrest (14), and *does not create any part of a central or vertically arranged back support surface*. The head support (22) adjustment along the backrest (14) is most clearly seen in Fig. 3. The head support (22) illustrated with solid lines is shown in the lowermost position. In any position along the guide portion (20), the head support (22) only provides laterally spaced side head support surfaces.

The office action identifies the head support (22) of Reithmeier as corresponding to the applicant's claimed top portion and the backrest (14) of Reithmeier as corresponding to the applicant's claimed bottom portion. However, Reithmeier does not disclose a backrest having a top portion movably connected to and vertically adjustable relative to a bottom portion wherein each of the top and bottom portions has a *central* support surface to engage and support a portion of an occupant's body as recited in claim 36. Furthermore, as seen most clearly in Fig. 3, Reithmeier further fails to disclose a *central* support surface of the top portion and a *central* support surface of the bottom portion being *substantially co-planar to form a substantially continuous support surface when the top portion is in a lowermost position* as recited in claim 36. The Reithmeier head support (22) has no central portion that forms any part of a back support surface, regardless of its position along the backrest (14). Thus, Reithmeier fails to teach or suggest all of the limitations of claim 36.

Likewise, Reithmeier fails to disclose that the support surfaces of the top and bottom portions form a *substantially vertically continuous surface when the top portion is in a lowermost position*, as recited in claim 37. The backrest (14) including the guide portion (20) creates a vertically contiguous back support surface with no help from the head support (22) and regardless of the head support position along the backrest. Thus, Reithmeier fails to teach or suggest all of the limitations of claim 37.

Claim 4 recites that the latch is configured to bend when contacted by a part of the release mechanism. This is best seen in Figs. 5 and 6 of the instant application. The office action identifies detent member (70) of Reithmeier as corresponding to the applicant's claimed latch and identifies actuating handle (46) of Reithmeier as corresponding to the applicant's

claimed release mechanism. The office action states that the detent member (70) is configured to bend when contacted by a part of the actuating handle (46) and refers to Fig. 4 to support this conclusion. However, nowhere in column 6, lines 14-41, which describes FIG. 4 of Reithmeier, is there any mention or any disclosure that detent member (70) bends when contacted by the actuating handle (46). In fact, Reithmeier describes that the detent member (70) and actuating handle (46) are both part of a one-piece arresting device (24). Reithmeier describes that the detent member (70) is urged into a groove (26) in the rear surface of the backrest (14) by a spring (86). To adjust the head rest (14) the actuating handle (46) pivots the arresting device (24) about pivot axis (64) to move the detent member (70) out of the groove (26). See Reithmeier, column 6, line 65, extending to column 7, line 3. As is clear from these excerpts and FIG. 4, it would be impossible for the actuating handle (46) to contact the detent member (70) to make it bend. Thus, Reithmeier also fails to disclose or suggest the additional limitations recited in claim 4.

Claim 5 recites that part of the release mechanism includes a wedge positioned to contact the latch. Again, this is best seen in Figs. 5 and 6. The office action states that the release mechanism includes a wedge (68) positioned to contact the latch. However, Reithmeier describes the member (68) as a second lever arm that is part of a lever assembly (60) along with a first arm (66). As clearly seen in Figs. 4, 7, and 8 of Reithmeier and as described in column 6, lines 42-64, the first and second arms (66, 68) are all part of the one-piece arresting device (24). The second arm (68) is remote from – and integral with – the detent member (70). Therefore, it is not possible for the second arm (68) to contact detent member (70) as asserted in the office action. Reithmeier fails to disclose or suggest the additional limitations of claim 5.

Claim 6 recites that the release mechanism includes a handle that is selectively movable to disengage the latch from the notch. Claim 6 depends from and further limits claim 4 discussed above. Reithmeier fails to disclose or suggest all of the limitations of claim 6 and the claims from which it depends.

Claim 7 recites an elongate rail connected to the handle and adapted to contact the latch and disengage the latch from the notch. The applicant's elongate rail includes members (170) as seen most clearly in Figs. 3-6 connected to handle (150). The office action identifies guide portion (20) of Reithmeier as corresponding to the claimed elongate rail. However, Reithmeier describes the guide portion (20) as an integral or contiguous part of the backrest (14) as seen in

Figs. 1 and 2. It is clear that guide portion (20) is not connected to the actuating handle (46) to disengage the detent member (70) from groove (26). Reithmeier fails to teach or suggest the additional limitations of claim 7.

Claim 8 recites that the latch is biased toward engagement with one of the notches. Claim 8 depends from and further defines claim 36 as discussed above. Reithmeier fails to disclose or suggest all of the limitations of claim 8 and the claims from which it depends.

Claim 9 recites that the latch is elastically deformed when disengaged from the notch. Figure 6 best shows the latch 160 being elastically deformed when disengaged from the notch 130. In Reithmeier, the detent member (70) disengages from a groove (26) by pivoting about pivot axis (64) as discussed above. Reithmeier does not disclose that the detent member (70) is elastically deformed. Reithmeier fails to teach or suggest the additional limitations of claim 9.

Claim 29 recites that the latch is bendable and the release mechanism has a rail that is arranged to slide on the backrest into contact with the latch to thereby force the latch to bend and disengage from the notch. This has been discussed above in particular with reference to Figs. 5 and 6. As discussed above, the detent member (70) of Reithmeier is not bendable. Additionally, the guide portion (20) is not arranged to slide on the backrest (14) into contact with the detent member (70). In fact, guide portion (20) is part of and integral with the backrest (14). Reithmeier fails to teach or suggest the additional limitations of claim 29.

Claim 30 recites that the release mechanism includes a handle connected to the rail. This has been discussed above with reference to applicants' claimed rails (170). Again, Reithmeier does not disclose a release mechanism that includes a handle connected to a rail as claimed. Reithmeier fails to teach or suggest the additional limitations of claim 30.

Claim 31 recites that the handle is configured to be moved downward toward a base of the child seat to disengage the latch from the notch. In Reithmeier, the actuating handle (46) must be rotated *upwardly* or *away* from the base of the child seat to disengage detent member (70) from groove (26). Reithmeier fails to teach or suggest the additional limitations of claim 31.

Claim 32 recites that the top portion of the backrest slides in a guide section of the bottom portion. Claim 32 depends from and further defines claim 29 as discussed above.

Reithmeier fails to disclose or suggest all of the limitations of claim 32 and the claims from which it depends.

Claim 33 recites that the rail includes a ramped surface positioned so that when the latch contacts the rail, the latch slides along the ramp to disengage from the notch. This recitation has been discussed above with reference to Fig. 6. In Reithmeier, the guide portion (20) does not include a ramped surface along which detent member (70) slides to disengage from the groove (26). Reithmeier fails to teach or suggest the additional limitations of claim 33.

Claim 35 recites that the release mechanism is adapted to be moved into contact with the latch to disengage the latch from the notch. As discussed above, the Reithmeier actuating handle (46) is not adapted to be moved into contact with the detent member (70) to disengage the detent member (70) from the groove (26). Reithmeier fails to teach or suggest the additional limitations of claim 35.

If the examiner maintains the rejection based on Reithmeier, the applicants respectfully request that the specific support within Reithmeier be pointed out for any teaching or disclosure of each and every claimed limitation, so that the applicants can appropriately respond through appeal, if necessary.

CONCLUSION

The applicants believe that pending claims 4-9, 29-33, and 35-37 are now in condition for allowance. The applicants reserve the right to ask for reinstatement of withdrawn claims 21-23 upon allowance of a generic intervening or independent claim. Reconsideration and withdrawal of the claim rejections and allowance of the claims are hereby respectfully solicited in view of the foregoing amendments and remarks.

The examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

No fee is believed due at this time.

Respectfully submitted,

A handwritten signature in cursive script, reading "Bryan J. Lempia", is written over a horizontal line.

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